

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Will Allen, Redevelopment Administrator/ (954) 797-2093

PREPARED BY: Will Allen

SUBJECT: Resolution

AFFECTED DISTRICT: District 1 District 2

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE ENGAGEMENT OF BILLING, COCHRAN, HEATH, LYLES, MAURO AND ANDERSON, P.A. AS SPECIAL COUNSEL TO THE DAVIE COMMUNITY REDEVELOPMENT AGENCY, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The CRA has been represented by Sue Delegal for many years. Sue recently relocated from the firm of Holland & Knight, LLP to the firm of Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A. The CRA proposes to continue to have Ms. Delegal continue to represent the CRA from her new firm under an engagement letter with the same terms and conditions as currently exists with Holland & Knight. The CRA unanimously approved retaining Ms. Delegal at the meeting of March 2, 2005. Ms. Delegal has served the CRA well as she is an excellent attorney and has the long experience in dealing with issues of the Davie CRA. It should be noted that Holland & Knight is aware of the change and is not a problem with their firm and has written that they will honor our wishes in this regard.

PREVIOUS ACTIONS: The most recent action approving Special Counsel to the CRA was Resolution R-2001-29.

CONCURRENCES: The CRA Board approved retaining Ms. Delegal at their meeting of March 2, 2005.

FISCAL IMPACT: None, as the terms are the same as the existing letter of understanding.

RECOMMENDATION(S): Motion to approve Resolution.

Attachment(s): Resolution

RESOLUTION NO. 2005-

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE ENGAGEMENT OF BILLING, COCHRAN, HEATH, LYLES, MAURO AND ANDERSON, P.A. AS SPECIAL COUNSEL TO THE DAVIE COMMUNITY REDEVELOPMENT AGENCY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie created the Davie Community Redevelopment Agency (CRA) pursuant to Ordinance 88-23 adopted on May 5, 1988; and

WHEREAS, pursuant to Ordinance 92-24, the Town Council delegated to the CRA the power to make and execute contracts and other instruments necessary or convenient to the carrying out of community redevelopment projects and related activities within its area of operation; and

WHEREAS, the CRA has been represented by Sue Delegal since Fiscal Year 1991-1992; and

WHEREAS, Sue Delegal has previously been employed by the firm of Holland & Knight but has recently joined the firm of Billing, Cochran, Heath, Lyles, Mauro and Anderson, P.A., and

WHEREAS, Sue Delegal has provided legal services to the CRA for many years and her expertise, experience with Davie and knowledge have served the CRA well; and

WHEREAS, the CRA voted unanimously on March 2, 2005 to have Sue Delegal provide legal services as Special Counsel as outlined in a letter of engagement with the firm of Billing, Cochran, Heath, Lyles, Mauro and Anderson, P.A.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby ratify the engagement letter of Billing, Cochran, Heath, Lyles, Mauro and Anderson, P.A. as Special Counsel to the Davie Community Redevelopment Agency, a copy of which is attached as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2005.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2005

LAW OFFICES

BILLING, COCHRAN, HEATH, LYLES, MAURO & ANDERSON, P.A.

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BRUCE M. RAMSEY
KEVIN M. VANNATTA
STEVEN F. BILLING (1947-1998)



HAL B. ANDERSON
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SHAWN B. MCKAMEY
T. CHRISTINE PEREZ
ANDREW A. RIEF
KAREN D. SLATER
PHILLIP W. THRON
MICHAEL A. WEISS

PLEASE REPLY TO:
FORT LAUDERDALE

March 31, 2005

Mr. Will Allen
Redevelopment Administrator
Town of Davie CRA
4700 Davie Road, Suite C
Davie, FL 33314

**Re: Engagement as Counsel – Town of Davie Community Redevelopment Agency
("CRA")**

Dear Mr. Allen:

Thank you for retaining Billing, Cochran, Heath, Lyles, Mauro & Anderson, P.A. to serve as special counsel to the CRA. We will provide the following services:

1. Provide general advice and legal guidance to the CRA, its Redevelopment Administrator, and such other staff as the Town of Davie ("Town") assigns to assist in CRA matters;
2. The tasks in connection with such general services shall be as follows:

Provide legal advice and guidance in order to assist the CRA in its operations with regard to staffing, budget development and the relationship between the CRA and the Town Council and such other matters pertaining to CRA activities;

Assist in clarification of legal issues pertaining to the CRA's creation, the establishment of a statement of program goals, policies and objectives and provide advice regarding the Community Redevelopment Plan (the "Plan");

Review and comment on proposed Plan amendments as prepared by staff;

Prepare, review, and assist in negotiations as necessary of agreements to which the CRA is a party;

Mr. Will Allen
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Provide advice regarding compliance with and assistance in interpretation of state, federal and local laws and rules and regulations relating to the CRA's activities;

Provide advice and assistance in reviewing and analyzing proposed local and state legislation affecting the CRA;

Provide general advice during the course of the CRA's implementation of projects or activities such as property acquisitions, transfers, dispositions, vacations of easements or rights of way as required;

Provide guidance on financing options, joint Town/CRA activities and public/private partnerships;

Attend meetings of the CRA as necessary and at the request of the Redevelopment Administrator.

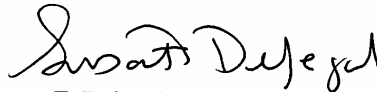
For the above-referenced services, I will be the attorney primarily responsible for the representation of the CRA and shall bill at the rate of \$195 per hour. I will also utilize as necessary the assistance of other attorneys and paralegals who may bill at a lower hourly rate in order to provide you with the most efficient dispensation of legal services.

In addition to legal fees, we will charge for out-of-pocket expenses that we have advanced on the CRA's behalf and certain internal charges. Such expenses and charges will include postage, toll calls, charges for photocopying materials, facsimile transmissions, overnight courier services, certain charges for terminal time for computer research and complex document production.

We will bill on a monthly basis. The bills will reflect a description of the services rendered, the time allocated for the services, and the attorney or paralegal rendering such services as well as the applicable hourly rate. Any costs, in addition to fees, would be itemized and included with the bill.

We very much appreciate the opportunity to continue to work with the Town and CRA.

Sincerely,



Susan F. Delegal
For the firm

SFD/alsa